

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MAURICE RASHEE FLINT,

Plaintiff,

v.

CIVIL ACTION NO. 2:19-cv-00395

CORPORAL CHAD MARTENS,

Defendant.

ORDER

Pending before the Court are Defendant Corporal Chad Martens's Motion for Summary Judgment, (ECF No. 31), and Amended Motion for Summary Judgment, (ECF No. 35). By Standing Order entered in this case on May 22, 2019, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 3.) Magistrate Judge Tinsley filed his PF&R on September 23, 2021, recommending this Court dismiss this action for lack of subject-matter jurisdiction, as well as denying Defendant's motions in light of the dismissal. (ECF No. 45.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general

and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R were due on October 12, 2021. (ECF No. 45.) To date, no objections have been filed, thus constituting a waiver of *de novo* review and Plaintiff's right to appeal this Court's order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 45), and **DISMISSES** this action **WITH PREJUDICE** for lack of subject-matter jurisdiction. In light of this dismissal, Defendant's Motion for Summary Judgment, (ECF No. 31), and Amended Motion for Summary Judgment, (ECF No. 35), are **DENIED AS MOOT**. The Court further **DIRECTS** the Clerk to remove this matter from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 18, 2021



THOMAS E. JOHNSTON, CHIEF JUDGE